

73-3b-205 Issuance of recovery permit -- Criteria -- Conditions.

The state engineer:

- (1) shall issue the recovery permit if the state engineer determines that:
 - (a) the proposed recovery of artificially recharged water will not impair any existing water right;
 - (b) the applicant is the holder of an approved recharge permit or recovery permit, or if the applicant does not hold the recharge permit, has a valid agreement with the owner of the recharge permit to divert and use the recovered water; and
 - (c) the recovery point of diversion is located within the area of hydrologic impact of the recharge project, as determined by the state engineer; and
- (2) may attach to the permit any conditions the state engineer determines are appropriate.

Amended by Chapter 107, 2010 General Session